

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD ALLEN FABEL,
RODNEY ROLLNESS,
JOSHUA BINDER, and
RICKY JENKS, and
PAUL FOSTER.

Defendants.

Case No. CR06-041L

ORDER REQUESTING
SUPPLEMENTAL STATEMENT
FROM THE GOVERNMENT
RELATING TO POTENTIAL BRADY
MATERIAL

This matter comes before the Court *sua sponte*. In its November 29, 2006 order, the Court indicated that it would “[n]ot require the Government to turn over Jencks Act material at this time, though the matter will be discussed further at the December 7, 2006 status conference.” Order at p. 2 n. 4 (Dkt. #305). At the December 7, 2006 hearing, the Court asked the Government to submit, for *in camera* inspection, any statements it was withholding so that the Court could review the materials for exculpatory information. On December 13, 2006 the Government provided these materials to the Court.


The Court has now completed its review and believes at this point that all of the material should be turned over to the defendants under Brady because of its potential impeachment value

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1 relating to key Government witnesses. Before ordering such material to be turned over,
2 however, the Court will give the Government an opportunity to file a sealed memorandum
3 addressing whether or not it believes such material should be turned over to defendants at this
4 time. The Government may also include in its memorandum any proposals it may have
5 regarding either the redaction of documents eventually turned over or the scope of any protective
6 order imposed on such materials. The Government's memorandum will be for the Court's eyes
7 only.

8 The Government shall file its memorandum with the Court by January 30, 2007. If it
9 chooses not to file a memorandum, all materials submitted for review by the Court on December
10 13, 2006 should be turned over to defendants by January 31, 2007.

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12 DATED this 23rd day of January, 2007.

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15 Robert S. Lasnik
16 United States District Judge
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